



## PUBLIC ART IN PRIVATE DEVELOPMENTS

Public Art enhances the quality of life in a community, fosters economic development and creates inventive and/or stimulating public spaces. The City's Public Art Ordinance (Municipal Code Chapter 3.52) requires the inclusion of public art in certain private developments or a contribution to the Los Altos Public Art Fund.

### DEFINITION

Public art is art which can be reasonably viewed or experienced from a public right-of-way or to which access is unrestricted to members of the public at all times of the day.

### CONTRIBUTION REQUIREMENTS

Private, non-single-family developments with total construction costs in excess of \$1,000,000 and subject to Public Hearing Design Review approval (Planning Commission/City Council) are subject to the contribution requirements under the Public Art Ordinance (Section 3.52.030). Contributions shall not exceed \$200,000 and are assessed as follows:

Zone	Requirement	
Single-Family (R1)	Single-family	Exempt
	Non-residential	Contribute 1% of construction costs
Multi-Family (R3)	Four or more units	Contribute 1% of construction costs*
Office (OA) Commercial (C) PC, PCF and PUD	All development	Devote not less than 1% of construction costs* for the acquisition and installation of public art on-site <i>or</i> contribute 1% of construction costs*

*\*Construction costs for Affordable Housing units as defined by Section 14.28.020 of the Los Altos Municipal Code shall not be included in the valuation.*

### PLACEMENT OF PUBLIC ART ON PRIVATE PROPERTY

Developments in all zone districts, except R3 and R1, may place public art on private property in-lieu of contributing to the Public Art Fund. If a development elects to place public art, an application shall be submitted at the same time as the general development application is submitted. The application shall include:

- Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art
- An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs

- Preliminary plans containing such detailed information as may be required to adequately evaluate the location of the artwork in relation to the proposed development and its compatibility to the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhoods
- A detailed plan that demonstrates how the property owner or developer will maintain the artwork, including schedule, cost and manner of maintenance
- A narrative statement or plan that demonstrates the public art will be displayed in a publicly accessible manner.

Applications for placement of public art on private property shall be reviewed by the Public Arts Commission prior to final review of the entire development application by the City Council.

#### **OWNERSHIP OF PUBLIC ART ON PRIVATE PROPERTY AND INSURANCE**

The installation or placement of public art on private property shall not constitute a donation to the City. Ownership of the art shall continue with the property owner. The City shall bear no obligation nor assume responsibility or liability with respect to the installation, operation or maintenance of any art installed on private property.

The property owner shall be required to carry insurance to cover the full replacement cost of the public art. Such insurance shall include coverage resulting from any loss or damage to the art, including, but not limited to, vandalism. The property owner shall, upon request of the City, provide evidence of such insurance coverage to the City.

#### **ENFORCEMENT**

The City may institute any appropriate legal actions necessary to ensure compliance with the Public Art Ordinance, including, but not limited to, actions to revoke, deny or suspend any permit, a development approval, building permit or certificate of occupancy.

For more information about the Public Arts Commission or to contact the Commission's staff liaison, please visit [www.losaltosca.gov/publicartscommisison](http://www.losaltosca.gov/publicartscommisison).